

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Miesel Group Art Unit: 3762
Application No.: 10/678,402 Examiner: Alter
Filed: October 3, 2003 Conf. No: 1006
Title: System, Apparatus and Method for Interacting with a Targeted Tissue
of a Patient

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.182

Applicant hereby petitions under Rule 37 C.F.R. 1.182 for the Commissioner to consider and affirmatively act upon Applicant's Petition for Withdrawal of the Holding of Abandonment dated July 16, 2010.

FACTS

1. The above-identified application became abandoned as indicated in a Notice of Abandonment mailed May 28, 2010, for failure to "timely or properly reply to the Office Action mailed on October 30, 2009."

2. Applicant filed a "Petition to Withdraw the Holding of Abandonment for Failure to Receive the Office Action" on July 20, 2010.

3. Applicant also filed a "Petition to Expunge" Confidential Information on July 20, 2010.

4. The Patent Office subsequently sent a "Decision on the Petition to Expunge" on August 2, 2010.

5. It appears the "Petition for Withdrawal of the Holding of Abandonment for Failure to Receive the Office Action" filed on July 20, 2010, has not been considered by the Patent Office.

6. Applicants desire to have the "Petition for Withdrawal of the Holding of Abandonment" considered as soon as possible.

RELIEF SOUGHT

Based on the above, Applicant respectfully requests that the Patent Office act upon the pending "Petition to Withdraw the Holding of Abandonment" dated July 20, 2010.

FEES

The \$400 Petition Fee has been electronically paid in conjunction with this e-filing. The Commissioner is authorized to charge or credit any deficiencies or overpayments in connection with this Petition Under Rule 1.182 to Deposit Account No. 13-2546.

The Examiner is invited to contact the undersigned at (770) 643-8912 should he have any questions or concerns.

Respectfully submitted,

Date: November 25, 2010

/Jeramie J. Keys/
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On behalf of:

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